

DAVID A. DILLARD, CA Bar No. 97515

david.dillard@cph.com

DREW WILSON, CA Bar No. 283616

drew.wilson@cph.com

SAMI I. SCHILLY, CA Bar No. 301653

sami.schilly@cph.com

CHRISTIE, PARKER & HALE, LLP

655 N. Central Avenue, Suite 2300

Glendale, California 91203-1445

Telephone: (626) 795-9900

Facsimile: (626) 577-8800

JS-6

Attorneys for Plaintiffs,

Guess? Retail, Inc., Guess? IP Holder L.P. and Guess?, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GUESS? RETAIL, INC., a Delaware corporation, GUESS? IP HOLDER L.P., a Delaware limited partnership, and GUESS?, INC., a Delaware corporation,

Plaintiffs,

vs.

NATALIE ANGELES, an individual and BONITA'S GUESS, an unknown business entity,

Defendants.

Case No. 2:15-cv-04730-RGK (JPRx)

**FINAL CONSENT JUDGMENT
AND PERMANENT
INJUNCTION AGAINST
NATALIE ANGELES AND
BONITA'S GUESS**

Hon. R. Gary Klausner

1 Plaintiffs Guess? Retail, Inc., Guess? IP Holder L.P. and Guess?, Inc.
2 (“Guess” or “Plaintiffs”) and Defendants Natalie Angeles and Bonita’s GUESS
3 (collectively “Bonita’s GUESS” or “Defendants”) consent and agree to the terms
4 and conditions of this Final Consent Judgment and Permanent Injunction.

5 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS**
6 **FOLLOWS:**

7 1. The Court has personal jurisdiction over each of the parties to this
8 action. The Court also has subject matter jurisdiction over this action pursuant to
9 28 U.S.C. §§ 1331, 1338 and 1367. Venue is proper in this Judicial District
10 pursuant to 28 U.S.C. § 1391(b).

11 2. Guess? Retail, Inc., is a Delaware corporation with its principal place
12 of business located in Los Angeles, California.

13 3. Guess? IP Holder L.P., is a Delaware limited partnership with its
14 principal place of business located in Los Angeles, California.

15 4. Guess?, Inc. is a Delaware corporation with its principal place of
16 business located in Los Angeles, California.

17 5. Natalie Angeles is a resident of California.

18 6. Bonita’s GUESS is a DBA with its principal business address at
19 2111 Pacific Ave, Long Beach, California 90806.

20 7. Guess has asserted claims against Defendants accusing Defendants
21 of federal trademark infringement pursuant to 15 U.S.C. § 1114; trademark
22 dilution pursuant to 15 U.S.C. § 1125(c); false designation of origin or
23 sponsorship pursuant to 15 U.S.C. § 1125(a) and for state law claims for
24 trademark infringement and unfair competition.

25 8. Defendants agree that Guess has common law rights in the marks
26 GUESS, GUESS? And GUESS' triangle trademark shown below and that these
27 marks are famous.



Guess Triangle Trademark

9. Defendants further agree that the following United States Trademark Registration's ("Guess' Trademarks") are owned by Guess and are valid and enforceable:

MARK	REG./APPL . NO.	REG. DATE	GOODS DESCRIPTION
GUESS? and Design	1,271,896	3/27/1984	Men's And Women's Pants And Jumpsuits, And Women's Blouses, Skirts, Shorts, Vests, Jackets And Dresses.
GUESS? and Design	1,299,580	10/9/1984	Men's, and Women's Pants, Jumpsuits, Jackets, Vests, Shirts and Shorts; Women's Blouses, Skirts and Dresses; Boy's and Girl's Pants, Jumpsuits, Vests, Jackets and Shirts; and Girl's Blouses and Dresses.
GUESS? and Design	1,465,363	11/17/1987	Clocks And Watches.
GUESS?	1,427,405	2/3/1987	Clocks And Watches.
GUESS and Design	1,445,261	6/30/1987	Men's Women's And Children's Apparel, Namely, Skirts, Pants, Shorts, Vests, Jackets And Jeans.
GUESS	1,433,022	3/17/1987	Men's, Women's And Children's Clothing - Namely, Jeans, Suits, Coats, Jackets, Shirts, Blouses, Vests, Dresses, Skirts, Shorts, Jumpsuits, Overalls, Sweatshirts, T-Shirts, Sweaters, Trousers, [Stockings,] Socks [And Tights].
GUESS and Design	1,458,438	9/22/1987	Men's, Women's, And Children's Apparel Namely, Jeans, [Suits,] Coats, Jackets, Shirts, [Blouses, Vests,] Shorts, [Jumpsuits, Overalls,] Skirts, Dresses, Sweatshirts, T-Shirts, Sweaters And Trousers.
GUESS? and Design	1,546,993	7/11/1989	Perfume.
GUESS	1,704,002	7/28/1992	Eau De Toilette, Perfume, Cologne, After Shave Lotion, Skin Moisturizer, Body Powder, Bath And Shower Gel, [Talc Lotion, Body Glace Splash].

1	GUESS	1,765,883	4/20/1993	Backpacks, Briefcases, Tote Bags, Book Bags, Travel Bags, Duffel Bags And Cloth Shopping Bags
2				Apparel
3				Retail Store Services Specializing In The Sale Of Apparel And Accessories.
4	GUESS? and Design	1,978,398	6/4/1996	Jewelry; Cuff-Links; Tie Clips.
5	GUESS	2,077,475	7/8/1997	Watches; Clocks; Jewelry; Cuff-Links; Tie Clips.
6	GUESS? And Design	2,333,738	3/21/2000	Providing Information Through A Wide Area Computer Network Pertaining To Fashion [And Personal Advice].
7	GUESS?	2,308,468	1/18/2000	Eyeglass Frames, Sunglasses, Eyeglass Cases, Eyeglass Chains;
8				Watches, Clocks, Jewelry, Bracelets, Earrings, Cuff-Links, Tie Clips;
9				And School Supplies, Namely, Binders, Notebooks, Composition Books, File Folders, Note Pads, Pencil Holders, Agenda/Day Planners, Photo Albums, Envelopes And Writing Paper, Index Books, Agendas, Open Portfolio Covers For Stationery Type Portfolios And Calendars, Note Jotters;
10				Book Bags, Backpacks, Handbags, Wallets, Tri-Fold Billfolds, Hip-Fold Billfolds, Credit Card Cases, Credit Card Money Folds, Travel Kit Bags Sold Empty, Luggage, Purses, Coin Purses, Cosmetic Cases, Tote Bags, Carry-On Tote Bags, Briefcases, Travel Bags, Duffel Bags, Cloth Shopping Bags, And Small Leather Articles, Namely, Key Cases, Tie Cases And Key Fobs;
11				Full Line Of Men's, Women's, Boys', Girls', Children's And Infant's Apparel, Namely, Undwear, Footwear, Swimwear, Caps, Headwear, Aprons, Robes, Pajamas, Hosiery, Gloves, Suspenders, Belts, Neckties, Women's Panties, Bras, Tank Tops, Crop Tops, Bustiers, Camisoles, Tap Pants, Teddies, Men's Briefs, Boxer Shorts, Under Shirts, Socks, Shirts, T-Shirts, Sweatpants, Sweatshirts, Knit Tops, Skirts, Pants, Trousers, Shorts, Sweaters, Jeans, Vests, Coats, Jackets, Overalls, Blazers,

			Dresses, Scarves, Blouses, Cardigans, Gowns, Golf Shirts, Jogging Suits, Turtlenecks, Suits, And Polo Shirts; Buttons For Clothing; Retail Store Services In The Field Of Apparel And Accessories, And, Home Furnishings, Providing On-Line Pricing And Descriptive Information Relating To Applicant's Products, And Providing An On-Line Photographic Gallery.
GUESS	2,370,424	7/25/2000	On-Line Retail Store Services, In The Field Of Clothing And Accessories Rendered Through A Global Computer Network
GUESS KIDS	2,794,886	12/16/2003	Retail Store Services In The Field Of Apparel And Personal Accessories.
GUESS	2,959,818	6/7/2005	Cloth Patches For Clothing, Embroidered Patches For Clothing, Ornamental Cloth Patches, Patches For Repairing Textile Articles; Cloth Labels, Embroidered Labels.

10. Defendants have infringed Guess' Trademarks by using Guess' Trademarks without permission as a business name, on signage on the front of their principle place of business, on signage inside their principle place of business, on social media, on fliers, on the internet, and on various other channels of advertisement.

11. Defendants agree to immediately destroy all advertising using Bonita's GUESS, GUESS, GUESS?, Guess' triangular trademark, including, but not limited to signage on the front of their principle place of business, signage inside their principle place of business, at retail kiosks, on social media, fliers, on the internet and on whatever other channels of advertisement that they made use of Guess' Trademarks, including but not limited to point of sale materials, invoices, purchase orders and business cards.

12. Defendants agree they will not market, advertise, distribute, promote or sell any product in the future with any mark that is identical or substantially

1 identical to or which contains Guess' Trademarks, regardless of whether the
2 product is authentic Guess brand merchandise.

3 13. Defendants agree to destroy all of their inventory of products that
4 bear Guess' Trademarks, regardless of whether the products are authentic Guess
5 brand merchandise. Alternatively, Defendants may donate their inventory of
6 products that bear Guess' Trademarks, regardless of whether the products are
7 authentic Guess brand merchandise, to one or more persons for their personal use
8 and who agree not to resell the products.

9 14. Defendants and their respective parents, subsidiaries, affiliates,
10 officers, agents, servants, employees, attorneys, and those persons in active
11 concert or participation who receive actual notice of this injunction by personal
12 service or otherwise ("Enjoined Parties"), consent and agree and are permanently
13 enjoined as follows:

14 a. The Enjoined Parties shall not market, advertise, distribute,
15 promote or sell any product with any mark that is identical or
16 substantially identical to or which contains any of Guess'
17 Trademarks.

18 b. The Enjoined Parties shall not market, advertise or promote their
19 business or any parent, subsidiary, or affiliate businesses with any
20 mark that is identical or substantially identical to or which
21 contains any of Guess' Trademarks.

22 15. This Court shall retain jurisdiction of this matter for all purposes,
23 including for the purpose of enforcing the terms and provisions of this Final
24 Consent Judgment and Permanent Injunction.

25 16. The parties agree to submit to the personal jurisdiction of this Court
26 in connection with this matter for all purposes.


27 17. Each party shall bear its own costs and attorneys' fees.

28 18. This is a final judgment. Any remaining claims set forth in the

1 Complaint are hereby dismissed with prejudice.

2 19. Defendants waive all right to appeal, and agree not to appeal this
3 final judgment.

4
5 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED**

6 

7 Date: July 02, 2015

8 Hon. R. Gary Klausner
9 United States District Judge

10
11
12 GHK PAS1363510.1-*-06/25/15 10:02 AM